IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

CHARIE AUTRY, on behalf of herself and all others similarly situated,

CIVIL ACTION

Plaintiffs,

NO. 3:16-cv-00797-GCM

v.

:

CHARLOTTE PALM CORP.,

Defendant.

:

ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF RULE 23 CLASS ACTION AND FLSA COLLECTIVE ACTION SETTLEMENT

Upon consideration of Plaintiff's Unopposed Motion for Preliminary Approval of Rule 23 Class Action and FLSA Collective Action Settlement, the Court grants Plaintiff's Motion and ORDERS as follows:

- 1. The Parties' Class Action Settlement is preliminary approved as fair, reasonable, and adequate pursuant to Fed. R. Civ. P. 23(e), and a fair and reasonable resolution of a *bona fide* dispute under the Fair Labor Standards Act. As a result, the terms of the Parties' Class Action Settlement Agreement are approved and incorporated herein (*see* Exhibit 1 to Memorandum in Support of Plaintiff's Unopposed Motion for Preliminary Approval of Rule 23 Class Action and FLSA Collective Action);
- 2. The following Settlement Class is preliminarily certified pursuant to Fed. R. Civ. P. 23 and 29 U.S.C. § 216(b), pending final approval of the settlement:

Every individual employed by Defendant as a server, server assistant, runner and/or bartender during any workweek between November 18, 2013 and August of 2017;

3. Plaintiff Charie Autry is preliminarily approved as the Representative of the

Settlement Class;

4. Gibbons Leis, PLLC and Stephan Zouras, LLP are preliminarily approved as Class

Counsel for the Settlement Class;

5. The Class Action Settlement Notice, which is attached as Exhibit B to the Class

Action Settlement Agreement; is approved and shall be distributed pursuant to the terms of the

Class Action Settlement Agreement; The proposed notice clearly and accurately describes the

nature of the Litigation, which individuals are authorized to participate in the Settlement, and the

Plaintiff's claims and Defendant's defenses. It also fairly describes the claims to be released by

the settlement class. The Notice apprises members of the settlement class of their options under

the Settlement Agreement; and

6. The Final Approval Hearing is hereby set for November 14, 2018 at 2:00 p.m. in

Courtroom 2-2, U.S. District Court for the Western District of North Carolina, 401 W. Trade St.,

Charlotte, North Carolina, 28202.

Signed: September 10, 2018

Graham C. Mullen

United States District Judge